

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

KEVIN R. DICKERSON,)	
)	
Plaintiff,)	
)	
vs.)	Civil No. <u>08-2079-D/P</u>
)	
FEDERAL EXPRESS CORPORATION,)	
)	
Defendant.)	
)	

REPORT AND RECOMMENDATION

On February 8, 2008, the plaintiff filed his complaint against defendant and summons was issued. As it appeared to the court based on the docket that plaintiff failed to serve the defendant within 120 days of the filing of the complaint, the court entered an order on June 20, 2008, directing the plaintiff to show cause within eleven (11) days why his case should not be dismissed pursuant to Rule 4(m) of the Federal Rules of Civil Procedure for failure to serve the summons and complaint within 120 days. The plaintiff was warned that failure to respond to the show cause order could result in dismissal of his case without further notice from the court. The plaintiff has failed to respond to the show cause order, and has still not served the defendant. It appears to the court, therefore, that the plaintiff's case should be dismissed without prejudice for failure to serve the defendant.

Accordingly, it is recommended that this case be dismissed without prejudice for failure to serve the defendant pursuant to Rule 4(m) of the Federal Rules of Civil Procedure.

Respectfully submitted,

s/ Tu M. Pham
TU M. PHAM
United States Magistrate Judge

July 17, 2008
Date

NOTICE

ANY OBJECTIONS OR EXCEPTIONS TO THIS REPORT MUST BE FILED WITHIN TEN (10) DAYS AFTER BEING SERVED WITH A COPY OF THE REPORT. 28 U.S.C. § 636(b)(1)(C). FAILURE TO FILE THEM WITHIN TEN (10) DAYS MAY CONSTITUTE A WAIVER OF OBJECTIONS, EXCEPTIONS, AND ANY FURTHER APPEAL.